# WAYNE COUNTY PROBATE COURT

## GUARDIANSHIP OF INCOMPETENT CHECKLIST

Deposit: $300.00

**INITIATION REQUIREMENTS**

___ Form 17.0 – Application for Appointment of Guardian of Alleged Incompetent (RC 2111.03)

___ Form 17.1 – Statement of Expert Evaluation (2111.49 SupR 66)
- ___ Must be dated within three months of filing date
- ___ Must be legible

___ Form 15.0 – Next of Kin of Proposed Ward (RC 2111.03)
___ Form 15.1 – Waiver of Notice and Consent (RC 2111.04) from Next of Kin listed on Form 15.0 (optional)
___ Form 15.2 – Fiduciary's Acceptance
___ Form 17.10 – Service of Notice Information for Adult Guardianships
___ Form 15.0.2 – Consent to Background Check
___ Form 17.13.1 – Affidavit of Guardian Applicant
___ Form 15.5.1 – Statement of NO assets, if person only.
___ Form 15.3 – Guardian's bond OR
- ___ Form 15.3.1 (Motion to Dispense with Bond) and
- ___ Form 15.3.2 (Entry Dispensing with Bond)

___ Deposit for costs $195
___ Form 17.4 – Notice of Hearing to Next of Kin (R.C. 2111.04)
___ Form 17.3 – Notice to Prospective Ward (R.C. 2111.04, 2111.041)
___ Ensure that ward is a resident of/has legal settlement in the county (RC 2111.021)
___ If ward is veteran, ensure compliance with R.C. 5905 et seq. (specifically R.C. 5905.06, 5905.10).
___ Prepare Proposed Forms for Court
- ___ Prepare Form 17.4 – Notice of Hearing for Appointment of Guardian of Alleged Incompetent Person (to spouse and Known Next of Kin) (RC 2111.04)
- ___ Prepare Form 17.3 – Notice to Prospective Ward of Application and Hearing (RC 2111.04, 2111.041)
- ___ Prepare Form 17.5 – Judgment Entry – Appointment of Guardian for Incompetent Person (RC 2111.02) for judge's signature.
- ___ Prepare Form 15.9 – Oath of Guardian (RC 2111.02)
- ___ Prepare Form 15.4 - Letters of Guardianship (RC 2111.02).
- ___ Prepare Form 15.3.2 - Entry Waiving Bond, if necessary

**FOLLOWING GUARDIAN'S APPOINTMENT**

**Guardian's Inventory (RC 2111.14)**

- ___ Form 15.5 – Guardian's Inventory, due 3 months after appointment (RC 2111.14)
- ___ Attach supporting documentation (bank statements, KBB value, Auditor's printout) reflecting value on inventory.
- ___ Once guardian receives notice of hearing, guardian should perform service under Loc.R. 61.2

**Application to Release/Expend Funds**

___ Form 15.6 – Application to Release Funds to Guardian/Order
___ Form 15.7 – Application for Authority to Expend Funds/Order
___ Inventory must be filed before expenditure will be approved (Sup.R 66)

**Guardian's Account**

___ Form 15.8 – Guardian's Account (RC 2109.302)
___ Account due one year after Letters of Appointment issued and every year thereafter.
___Must submit supporting documentation (bank statements, canceled checks) reflecting every expenditure.
___ Bank Certificate (RC 2109.302) or other evidence showing existence of assets in guardian's hands at conclusion of accounting period.
___ Costs must be paid before final/distributive account is approved (SupR 64).
___ Once guardian receives notice of hearing, guardian should perform service under Loc.R. 64.1.
___ If ward is veteran, guardian must serve account and supporting documentation, as well as notice of the hearing on account, to the office of veterans administration (RC 5905.11)

**Guardian's Compensation and Attorney Fees**

___ Motion/Entry for Guardian Fees (if guardian of estate is in place)
___ submitted with accounting on an annual basis
___ ensure that fees are for period of time covered by accounting period – approx. 1 yr
___ fee permitted by local rule (Local Rule 73.1)
___ based on amount equal to 3% on all amounts of income plus an amount equal to 3% on all amounts expended during the accounting period

or

___ $75.00 minimum fee
____ If ward is veteran, compensation cannot exceed 5 % of income (RC 5905.13)

___ Motion/Entry for Attorney Fees (if guardian of estate is in place)
____ submitted with accounting on an annual basis
___ ensure that fees are for period of time covered by accounting period – approx. 1 yr
___ fee breakdown must be included showing actual services provided and time spent
___ fee breakdown should not include matters that do not require professional skills, such as writing checks and paying bills. The attorney will not be compensated for either preparing the fee statement/application or attending hearing on fees. (Local Rule 71.3).

**Guardian's Report & Annual Plan (RC 2111.49, Sup R. 66)**

___ Form 17.7 – Guardian's Report
___ Report is due each year between Oct. 1st and Dec. 31st

___ Form 17.1 – Statement of Expert Evaluation
___ To be attached to/filed simultaneously with Guardian's Report

___ Expert to have evaluated/examined ward within three months prior to date of Guardian's Report (R.C. 2111.49)
___ Must be legible
___ If box is completed on the bottom of the third page, indicate "addendum signed" on the docket (this will exempt the guardian from filing this form on a yearly basis thereafter).

___ Form 17.7.1 – Annual Plan
___ Plan is due each year between Oct. 1st and Dec. 31st

**Notification of Important Legal Papers (Sup R. 66)**

___ Form 17.7.3 – Notification of Important Legal Papers
___ Form is due three months after date of appointment (Form must be completed, even if ward has none of the docs)
___ If form indicates that Will exists and original Will must be filed with the Court (to be submitted with Court's designated form).

**Guardian Training (Sup R. 66)**

___ A six hour fundamentals course must be completed within 6 months of appointment and every calendar year thereafter a three hour continuing education course is required.

**Termination of Guardianship**

___ Form 27.9 – Application to Terminate Guardianship (RC 2111.47)
___ Form 27.9 – Entry Terminating Guardianship
___ Final Account due within 30 days of termination (RC 2109.32, see also SupR64)